

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

Judicial Independence in Central America

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Guatemala's judicial system has been severely damaged during the last five years. Its court of last resort, the Constitutional Court (CC), has cast aside the Constitution and has ruled arbitrarily, causing great damage to our country and yours.

Compounding this damage was the creation of the FECCI, the special branch of the public prosecutor's office against corruption and impunity. The head of the FECCI, prosecutor Juan Francisco Sandoval, coordinated closely with the previous CC and likewise put politics above law. He has multiple criminal charges against him, including by the state attorney. They are suppressed apparently because of US influence.

I have never been involved in politics, nor have I held public office. I am an attorney, professor of law, and media commentator. It is not my intention to be political here, but unfortunately, I cannot refrain from mentioning some prominent US officials who have played a major role in Guatemala if I am to be accurate in talking about judicial independence in Guatemala.

I assume all of you care about the rule of law. If any of you have supported people in my country who violate the law in positions of authority, I would attribute such support to not knowing our laws and the facts of what happens in Guatemala. I am more than happy to answer your questions today and in the future if you believe I can help you better understand our legal realities.

The Obama administration illegally took over the public prosecutor's office in 2010. When they lost control of it in 2014, Joe Biden took charge, regained control over criminal prosecution in 2015 and added control of the CC in 2016.

They achieved this sad result by coercion and threats: canceling US visas, placing their targets on a blacklist, and criminal investigations conducted by the CICIG. Former ambassador Todd Robinson executed this strategy to place magistrates on our courts who would do his bidding regardless of law. As its major donor and political supporter, the CICIG always acted in concert with the embassy.

Your diplomats and politicians always talk about an independent judiciary and transparency. If they are sincere, they should look at the public record. It's painful to listen to people praise as corruption fighters those who so obviously violate the law. It leads one to ask if such persons have an agenda to extinguish the constitutional system.

Five different entities each appointment a principle and alternate magistrate to the Constitutional Court. This year, unlike 2016 with Robinson in charge, our authorities resisted US embassy and White House intimidation and threats and appointed independent magistrates for the first time in five years.

The previous Constitutional Court, from 2016 through 2021, illegally closed mining and hydroelectric companies, which provoked thousands of workers to immigrate illegally into the United States in search of work.

The judiciary protected violent NGOs that steal electricity, invade private property while armed, force campesinos to attack mining and hydroelectric installations, block roads, and pay people to go to cities to smash business, monuments and public and private buildings.

Groups such as CODECA, CONIC, CUC, and others like them are the equivalent of Black Lives Matter and Antifa in Guatemala. Their methods of destruction and intimidation are similar.

The US embassy has controlled FECI since its beginning. It has persecuted the left's political enemies, which continues today. For this reason, the White House, State Department and some in Congress and the media have made a great effort to give Sandoval a false profile. They invent prizes for a false heroism and call Sandoval a fighter against corruption, offering him unconditional public support.

Finally, Guatemala has begun to move toward the rule of law, with truly independent judges. Some Democrats, the State Department affirm the opposite. For them, judicial independence is to have a system they control, as they did under Biden when he was vice president.

This is the time to stop supporting criminality in our system. If you won't help us create rule of law, at least don't oppose us and impose a criminal system on us.